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MONTANA
STATE BOARD OF
NURSING

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CHAPTER 12

NURSING

REGULATION OF PRACTICE

Amended 1977

RULES AND REGULATIONS

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TITLE 66

CHAPTER 12

NURSING - - REGULATION OF PRACTICE

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82A-1602.18 BOARD OF NURSING -- APPOINTMENT -- QUALIFICATIONS -- TERM -- REMOVAL (1) There is a Board of Nursing.

(2) The Board consists of eight (8) members appointed by the Governor. The members are:

(a) Five (5) registered professional nurses which constitute the Board -- professional nursing administration. Each member shall: (i) be a graduate of an approved school of nursing; (ii) be a licensed nurse in this state; (iii) have had at least five (5) years' experience in nursing following graduation; and (iv) have been actively engaged in nursing for at least three (3) years immediately before appointment. At least three (3) members shall have had at least three (3) years in administrative, teaching, or supervisory experience in schools of nursing.

(b) Three (3) practical nurses which constitute the Board -- practical nursing administration. Each member shall: (i) be a graduate of a school of practical nursing; (ii) be a licensed practical nurse in this state; (iii) have had at least three (3) years' experience as a practical nurse; and (iv) have been actively engaged in the practice of practical nursing for at least two (2) years immediately before appointment.

(3) All members shall have been residents of this state for at least one (1) year before appointment, and be citizens of the United States.

(4) All members shall serve for a term of five (5) years, and a member may not be appointed for more than two (2) consecutive terms. The governor may remove a member from the Board for neglect of a duty required by law, or for incompetency, or unprofessional or dishonorable conduct.

66-1221 PURPOSE In order to safeguard life and health (a) any person practicing or offering to practice professional nursing in this state for compensation or personal gain, shall be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided; and

In order to safeguard life and health (b) any person practicing or offering to practice practical nursing in this state for compensation or personal gain shall be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided.

After January 1, 1954, it shall be unlawful for any person to use any title, abbreviation, sign, card, or device to indicate that such person is (a) a registered, professional nurse (b) a licensed practical nurse unless such person has been duly licensed under the provisions of this act, and the license of such person shall be valid and in force in compliance with the provisions of this act.

66-1222 DEFINITIONS -- IDENTIFICATION OF BOARD WHEN ADMINISTERING ACT FOR PROFESSIONAL NURSING AND FOR PRACTICAL NURSING Unless the context requires otherwise, in this act:

(1) "Board" means the Board of nursing, provided for in section 82-1602.18 with dual functions in the field of professional nursing and practical nursing. In matters relating to professional nursing the Board consists of five (5) members. In matters relating to practical nursing the Board consists of eight (8) members. The Board

of five (5) members may for convenience be referred to as the Board followed by words "professional nursing administration," and the Board of eight (8) members may, for convenience, be referred to as the Board followed by the words "practical nursing administration."

(2) "Department" means the Department of Professional and Occupational Licensing, provided for in Title 82A, Chapter 16.

(3) "Practice of Nursing" embraces two (2) classes of Nursing service and activity, as follows:

(a) "Practice of professional nursing" means the performance for compensation of an act in the observation, care and counsel of the ill, injured or infirm, or in the maintenance of health, or prevention of illness of others, or in the supervision and teaching of other personnel, or the administration of medications and treatments prescribed by a person licensed in this state to prescribe medications and treatments, requiring substanital specialized judgment and skill and based on knowledge and application of the principals of biological, physical and social science.

(b) "Practice of practical nursing" means the performance for compensation in the care of the ill, injured or infirm, of acts selected by and performed under the direction of a registered professional nurse, or a person licensed in this state to prescribe medications and treatments, and not requiring the substantial specialized skill, judgment, and knowledge required in professional nursing.

66-1223 SEAL -- BOARD RECORDS PUBLIC -- LEGAL COUNSEL (1) The Board shall have a seal which shall be used to authenticate its acts under each administration. The seal shall be inscribed with the words "Board of Nursing -- Official Seal" and a device or legend designated by the Board.

(2) The records and files of the Board kept by the Department are at all times open to public inspection.

(3) The attorney general is the attorney and legal counsel for the Board, but the Department may, with the approval of the attorney general, appoint additional legal counsel to assist the Board and Department in the administration and enforcement of this act.

66-1225 ORGANIZATION -- DUTIES AND POWERS -- SEPARATION OF RECORDS RESPONSIBLE TO FUNCTIONS OF BOARD -- DUAL ADMINISTRATIONS TO BE EXCLUSIVE OF EACH OTHER (1) The Board -- practical nursing administration, shall meet annually in the month of July and shall elect from among the eight (8) members a president and a secretary, each of whom is a professional nurse. The Board -- practical nursing administration, shall hold other meetings when necessary to transact its business. The Board -- professional nursing administration, shall meet annually in July and shall hold other meetings when necessary to transact its business. A majority of the Board, as separately constituted for each administration, including in the majority at least one officer of the Board, constitutes a quorum at any meeting; however, when sitting as the practical nursing administration, a quorum consists of a minimum of two (2) practical nurse members and three (3) professional nurse members, including one Board office. The department shall keep separate and complete minutes and records of the

respective administration meetings and rules and orders promulgated by each administration of the Board, and each administration shall exercise its functions, powers and duties exclusive of the other, except for the identity and membership provided in this act.

(2) The Board under each administration may make rules necessary to enable the respective administrations to administer this act. The Board under each administration shall prescribe curricula and standards for schools and courses preparing persons for registration and licensure under this act. It shall provide for surveys of schools and courses at times it considers necessary. It shall approve schools and courses that meet the requirements of this act and of the Board. The Department shall, subject to section 82A-1603, examine, issue to, and renew licenses of qualified applicants. The Board shall conduct hearings on charges calling for discipline of a licensee, revocation of a license, or removal of schools of nursing from the approved list. It shall cause the prosecution of persons violating this act and may incur necessary expenses for this.

(3) The Board under each administration may adopt and the Department shall publish forms for use by applicants and others, including license, certificate, and identity forms, and other appropriate forms and publications convenient for the proper administration of this act, and the Board may fix reasonable fees for incidental services all within the subject matter delegated to each administration by this act. Forms shall make clear reference to the administration for which the form is intended.

(4) Unless the context requires otherwise, the powers and duties enumerated in this act shall be exercised and performed by the Board -- professional nursing administration, in all matters relating to professional nurses or professional nursing education, and shall be exercised and performed by the Board inclusive of the practical nursing administration in all matters relating to practical nurses and practical nursing education. The officers of the Board shall also be the officers of the Board inclusive of the practical nursing administration.

66-1226 REIMBURSEMENT FOR EXPENSES -- COMPENSATION Each member of the Board shall be paid mileage as provided in section 59-801 and actual and necessary expenses, and in addition, twenty-five dollars ($25) per day for each day actually engaged in the discharge of duties under this act, including the time spent in actual attendance at a meeting of the Board and in direct travel to and from meetings and a reasonable number of days for the preparation and administration of examinations.

66-1227 QUALIFICATIONS OF APPLICANTS FOR LICENSE TO PRACTICE PROFESSIONAL NURSING An applicant for a license to practice as a registered professional nurse shall submit to the Department written evidence, verified by oath that the applicant:

(1) Has successfully completed at least an approved four (4) year high school course of study or the equivalent as determined by the Office of the Superintendent of Public Instruction;

(2) Has completed the basic professional curriculum in an approved school of nursing and holds a diploma therefrom; and

(3) Meets other qualification requirements the Board, acting under the professional nursing administration, prescribes.

66-1228 LICENSE -- BY EXAMINATION -- BY ENDORSEMENT WITHOUT EXAMINATION -- LICENSE FEES (1) An applicant for a license to practice professional nursing is required to pass a written examination in subjects the Board, acting under the professional nursing administration, determines. A written examination may be supplemented by an oral or practical examination. On successfully passing the examination, the Department shall issue to the applicant a license to practice nursing as a registered professional nurse. The applicant shall pay a fee of thirty-five dollars ($35) at the time the application is submitted, which shall be returned to the applicant if the application is withdrawn not later than five (5) days prior to the date of examination, or if the examination is not taken, subject to deduction by the Department of one dollar ($1) per subject of the examination which shall be retained by the Department.

(2) The Board -- professional nursing administration, may issue a license to practice nursing as a registered professional nurse without examination, to an applicant who has been licensed or registered as a professional nurse under the laws of another state or territory, if in the opinion of the Board the applicant meets the qualifications required of registered nurses in this state at the time the applicant graduated from a school of nursing. The applicant shall pay a fee of thirty-five dollars ($35) at the time the application is submitted, which shall be returned to the applicant if the application is withdrawn not later than five (5) days prior to final submission of the application to the Board, subject to deduction of five dollars ($5), to be retained by the Department.

(3) An applicant may, pending licensure as a professional nurse under sub-section (2) of this section, practice professional nursing as an employee of a health care agency for a period not longer than three (3) months from the date the Department acknowledges receiving from the nurse a completed statement, on form provided by the Department, of intention to practice. The statement shall consist of an affidavit by the nurse; and an affidavit by the employer where the nurse intends to practice professional nursing. The affidavit of the nurse and the affidavit of the employer shall contain the information deemed by the Board necessary for the statement. This sub-section does not permit the nurse to practice for more than a three (3) month period, or in any event, after being notified by the Board, through the Department, that the application for a license has been denied, or, in all cases, after being notified by the Board, through the Department, to cease and desist this practice. Notice shall be given by registered or certified mail to the address of the applicant as it appears in the statement of the applicant.

66-1229 TITLE AND ABBREVIATION OF REGISTERED NURSE Any person who holds a valid license to practice as a registered professional nurse in this state shall have the right to use the title "Registered Nurse" and the abbreviation "R.N."

66-1231 QUALIFICATIONS OF APPLICANTS FOR LICENSED PRACTICAL NURSE An applicant for a license to practice as a licensed practical nurse shall submit to the Department written evidence, verified by oath, that the applicant:

(1) Has successfully completed at least an approved four (4) year high school course of study, or equivalent as determined by the Office of the Superintendent of Public Instruction;

(2) Has successfully completed the prescribed curriculum in an approved school of practical nursing and holds a diploma or certificate therefrom; and

(3) Meets other qualification requirements the Board, acting under the practical nursing administration, prescribes.

66-1232 LICENSE OF PRACTICAL NURSE BY EXAMINATION -- BY ENDORSEMENT WITHOUT EXAMINATION (1) An applicant for a license to practice as a practical nurse is required to pass a written examination in subjects as the Board, acting under the practical nursing administration, determines. A written examination may be suuplemented by an oral or practical examination. On successfully passing the examination the Department shall issue to the applicant a license to practice as a licensed practical nurse.

(2) The Board -- practical nursing administration, may issue a license to practice as a licensed practical nurse without examination to an applicant who has been licensed or registered as a licensed practical nurse or person entitled to perform like services under a different title under the laws of another state or territory, if in the opinion of the practical nursing aministration the applicant meets the requirements for practical nurses in this state.

(3) An applicant may, pending licensure as a practical nurse under sub-section (2) of this section, practice practical nursing as an employee of a health care agency for a period of not longer than three (3) months from the date the Department acknowledges receiving from the practical nurse a completed statement, on a form provided by the Department, of intention to practice. The statement shall consist of an affidavit by the practical nurse, and an affidavit by the employer where the practical nurse intends to practice practical nursing. The affidavit of the nurse and the affidavit of the employer shall contain the information considered by the Board necessary for the statement. This sub-section does not permit the nurse to practice for more than a three (3) month period, or in any event, after being notified by the Board, through the Department, that the application for a license has been denied, or in all cases, after being notified by the Board, through the Department, to cease and desist this practice. Notice shall be given by registered or certified mail to the address of the applicant as it appears in the statement of application.

66-1234 FEE An applicant for a license to practice as a licensed practical nurse shall pay a fee of thirty-five dollars ($35) to the Department at the time the application is submitted, which fee shall be returned to the applicant if the application is withdrawn not later than five (5) days prior to the date of examination or the final submission to the Board of application for endorsement without examination, subject to a deduction of five dollars ($5) to be retained by the Departement.

66-1235 TITLE AND ABBREVIATION OF LICENSED PRACTICAL NURSE
Any person who holds a valid license to practice as a licensed practical nurse in this state shall have the right to use the title "Licensed Practical Nurse" and the abbreviation "L.P.N."

66-1236 RENEWAL OF LICENSE (1) The license of a person licensed under this act must be annually renewed. Before December 1 of each year the Department shall mail an application form for renewal of license to every person to whom a license was issued or renewed during the year. The applicant shall carefully complete and subscribe the application form and return it to the Department with a renewal fee of ten dollars ($10) before January 1. On receipt of the application and fee the Department shall verify the accuracy of the application against its record, and from other sources the Board considers reliable, and issue to the applicant a certificate of renewal for the current year beginning January 1 and expiring December 31, following. The certificate of renewal renders the holder a legal practitioner of nursing for the period stated in the certificate of renewal.

(2) A licensee who allows his license to lapse by failing to renew the license may be reinstated by the Board on satisfactory explanation for the failure to renew license and on payment of the current renewal fee prescribed by the Board.

(3) A person practicing nursing during the time following the date his license has expired is an illegal practitioner and is subject to the penalties provided for violations of this act.

66-1237 DISPOSITION OF FEES Fees and fines collected by the Department under this act shall be deposited in the earmarked revenue fund for the use of the Board subject to section 82A-1603(6).

66-1238 SCHOOLS OF NURSING -- APPLICATION FOR APPROVAL An institution desiring to conduct a school of professional or practical nursing shall apply to the Department and submit evidence that:

(1) It is prepared to carry out the prescribed basic professional nursing curriculum or the prescribed curriculum for practical nursing, as the case may be; and

(2) It is prepared to meet other standards established by this law and by the Board.

66-1239 SURVEY AND APPROVAL -- SECRETARY (1) A survey of the school and institution or institutions with which the school is to be affiliated shall be made by the Department, which shall submit a detailed written report of the survey to the Board. If, in the opinion of the Board, the requirements for an approved school of nursing (professional or practical) are met, it shall approve the school as an approved school of nursing.

(2) When the Board determines that an approved school of nursing is not maintaining the standards required by law and by the Board, notice in writing specifying the defect shall be immediately given the school. A school which fails to correct these conditions to the satisfaction of the Board within a reasonable time shall be removed from the list of approved schools of nursing.

(3) Any secretary hired by the department to provide services to the Board in connection with the Board's duties of prescribing curricula and standards for nursing schools, making surveys of and approving schools and courses, evaluating and approving courses for affiliation of student nurses, and reviewing qualifications of applicants for licensure for the Board shall first be approved by the Board and shall be:

(a) A citizen of the United States;

(b) A graduate of an approved school of nursing;

(c) A holder of at least a master's degree with post graduate courses in nursing;

(d) A registered professional nurse with at least five (5) years experience in teaching or administration in an approved school of nursing.

66-1240 GROUNDS FOR DISCIPLINE The Board, acting under the appropriate administration, may deny, revoke or suspend a license to practice nursing or discipline a licensee on proof that the person:

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;

(2) Is guilty of a crime or gross immorality;

(3) Is unfit or incompetent by reason of negligence, habit, or other causes;

(4) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(5) Is mentally or physically incompetent;

(6) Is guilty of unprofessional conduct;

(7) Has willfully or repeatedly violated this act; but only after compliance with section 66-1241.

66-1241 DISCIPLINARY PROCEEDINGS (1) On filing a sworn complaint in writing with the Board, charging a person with violation of section 66-1240 as a ground for disciplinary action, the Board shall fix a time and place for a public hearing before the Board to be convened in membership as the five-member Board for professional nurses, or as the eight-member Board for practical nurses, depending on the professional or practical status of the licensee, nurse, or person against whom complaint is made.

(2) If the person charged is found guilty of the charges the Board may refuse to grant a license to the applicant or may revoke or suspend a license issued to a licensee.

(3) A revoked or suspended license may be reissued after one (1) year, in the discretion of the Board.

66-1242 EXEMPTION OF PERSONS FROM ACT -- WHEN AND UNDER WHAT CIRCUMSTANCES No provisions of this law shall be construed as prohibiting gratuitous nursing by friends or members of the family, or as prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers; or as prohibiting nursing assistance in the case of an emergency; nor shall it be construded as prohibiting the practice of nursing by students enrolled in approved schools of nursing or approved courses; nor by the graduates of such schools or courses pending the results of the first licensing examination scheduled by the Board following such graduation; nor shall it be construed as prohibiting the practice of nursing in this

state by any legally qualified nurse of another state whose engagement requires her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six (6) months in length, provided such person does not represent or hold herself to be a nurse licensed to practice in this state; nor shall it be construed as prohibiting the practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof, while in the discharge of her official duties.

Nothing in this act shall be construed as prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of any well established religion or denomination by adherents thereof.

This act shall not be construed as conferring any authority to practice (a) medicine, or (b) surgery, or (c) any combination there of, or (d) to confer any authority to practice any of the healing arts prescribed by law to be practiced in the state of Montana, nor (e) to permit any person to undertake the treatment of disease by any of the methods employed in such arts, unless the licensee shall have qualified under the applicable law or laws licensing the practice of such professions(s) or healing art(s) in the state of Montana.

66-1243 VIOLATION OF ACT -- PENALTIES It shall be a misdemeanor for any person including any corporation, association or individual to:

(1) Sell or fraudulently obtain or furnish any nursing diploma, license or record or aid or abet therein;

(2) Practice nursing as defined by this act under cover of any diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice professional nursing as defined by this act unless duly licensed to do so under the provisions of this act;

(4) Practice practical nursing as defined by this act unless duly licensed to do so under the provisions of this act;

(5) Use in connection with her name any designation tending to imply that she is a registered professional nurse or a licensed practical nurse, unless duly licensed so to practice under provisions of this act;

(6) Practice nursing during the time her license issued under the provisions of this act shall be suspended, revoked or on inactive status;

(7) Conduct a school of nursing or a course unless the school or course has been approved by the Board;

(8) Otherwise violate any provisions of this act.

Such misdemeanor shall be punishable by a fine of not less than one hundred dollars ($100) for the first offense. Each subsequent offense shall be punishable by a fine of three hundred dollars ($300) or by imprisonment of not more than six (6) months in the county jail or by both such fine and imprisonment.

The several district courts within their respective county jursidictions are hereby empowered to hear, try and determine such misdemeanor and to impose in full the punishment and fines herein prescribed. It shall be necessary to prove, in any prosecution for misdemeanor under this section, only a single act prohibited by law, or a single holding out, or an attempt, without proving a general course of conduct in order to constitute a violation.

66-1244 INJUNCTIONS When it appears to the Board that any person is violating any of the provisions of this act, the Board may, in its own name, bring an action in a court of competent jurisdiction for an injunction against such violation, and the proper courts of this state may enjoin any person, firm or corporation from violation of this act without regard to whether proceedings have been or may be instituted before the Board or whether criminal proceedings have been or may be instituted.

66-1246 LICENSING OF MIDWIVES (1) A person licensed under section 66-1228 who holds a certificate in nurse-midwifery from the American College of Nurse-Midwives may practice midwifery upon approval by the Board - professional nursing administration of an amendment to her license granting a certificate of Nurse-Midwifery. The Board shall grant a certificate of nurse-midwifery to a person who submits written verification of her certification by the American College of Nurse-Midwives and who meets such other qualification requirements as the Board may prescribe.

(2) The Board - professional nursing administration may give temporary approval to practice nurse-midwifery for up to four (4) months to a person who has taken the American College of Nurse-Midwives national certification examination, pending her receipt of official notification of the results of the examination.

N U R S I N G

CHAPTER 62

BOARD OF NURSING

Sub-Chapter 1

Organizational Rule

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Sub-Chapter 2

Procedural Rules

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Substantive Rules

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40-3.62(6)-S6240 Applications - Repealed

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40-3.62(6)-S6260 Application - Licensed Practical Nurse - Repealed

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40-3.62(6)-S62040 Endorsement - Reciprocity - Practical Nurses - Repealed

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40-3.62(6)-S62110 Appendix Number 4

Sub-Chapter 1

Organizational Rule

40-3.62(1)-06200 BOARD ORGANIZATION (1) The Board of Nursing hereby adopts and incorporates the organizational rules of the Department of Professional and Occupational Licensing as listed in Chapter 1 of this title, see MAC 40-2.1-0100. (History: Sec. 82-4203 R.C.M. 1947; IMP, Sec. 82-4203, R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-62-2; Order MAC No. 40-3-62-3; Adp. 12/16/74; Eff. 1/3/75; PRIOR p. 40-238.)

Sub-Chapter 2

Procedural Rules

40-3.62(2)-P6210 PROCEDURAL RULES (1) The Board of Nursing hereby adopts and incorporates the procedural rules of the Department of Professional and Occupational Licensing as listed in Chapter 2 of this title, see MAC 40-2.2(1)-P200 Through MAC 40-3.2(10)-P2390. (History: Sec. 82-4203 R.C.M. 1947; IMP, Sec. 82-4203, R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-62-2; Order MAC No. 40-3-62-3; Adp. 12/16/74; Eff. 1/3/75; PRIOR p. 40-238.)

Sub-Chapter 6

Substantive Rules

40-3.62(6)-S6220 BOARD MEETINGS IS HEREBY REPEALED (History: Sec. 66-1225 R.C.M. 1947; IMP, Sec. 66-1225 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/74; Eff. 12/31/74; AMD, MAC Not. No. 40-3-62-2; Order MAC No. 40-3-62-3; Adp. 12/16/74; Eff. 1/3/75; PRIOR p. 40-239, 7-7/25/74; REP, MAC Not. No. 40-3-62-5; Order MAC No. 40-3-62-6; Adp. 5/16/77; Eff. 6/4/77; PRIOR p. 40-238.)

40-3.62(6)-S6230 APPROVAL OF SCHOOLS (1) Professional (see Appendix 2).

(a) The Board will review any application for approval or continued approval of nursing schools only at times when the Board is in formal session. Materials and survey reports shall be in the Board office thirty days prior to Board meeting.

(2) Practical (see Appendix 3).

(a) Practical Nursing Schools shall submit evidence that they are complying with the Standards by March 1 each year for Board review. The review shall also include a report of the survey visit at the April Board meeting. (History: Sec. 82A-1605, 66-1238, 1239 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72.)

40-3.62(6)-S6240 APPLICATION IS HEREBY REPEALED (History: Sec. 82A-1605, 66-1228 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; REP, MAC Not. No. 40-3-62-5; Order MAC No. 40-3-62-6; Adp. 5/16/77; Eff. 6/4/77; PRIOR p. 40-238.)

40-3.62(6)-S6250 APPLICATION FOR LICENSURE - REGISTERED PROFESSIONAL NURSE IS HEREBY REPEALED (History: Sec. 82A-1605, 66-1228 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; REP, MAC Not. No. 40-3-62-5; Order MAC No. 40-3-62-6; Adp. 5/16/77; Eff. 6/4/77; PRIOR P. 40-238.)

40-3.62(6)-S6260 APPLICATION - LICENSED PRACTICAL NURSE IS HEREBY REPEALED (History: Sec. 82A-1605, 66-1228 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; REP, MAC Not. No. 40-3-62-5; Order MAC No. 40-3-62-6; Adp. 5/16/77; Eff. 5/16/77; PRIOR p.40-238.)

40-3.62(6)-S6265 CERTIFICATE OF NURSE - MIDWIFERY (1) Any person who is licensed under the provisions of Section 66-1228 R.C.M. 1947 may apply for an amendment of her license to reflect certification of the applicant as qualified to practice midwifery. The Board shall grant a certificate of Nurse-Midwifery to a person who submits written verification of her certification by the American College of Nurse-Midwives.

(2) The application fee for amendment of license and certification shall be $35.00 and a fee of $10.00 shall be assessed for each annual renewal thereafter. Such certification shall be subject to the provisions for renewal, suspension and revocation which are applicable to licensing under the provisions of Section 66-1222 et

seq R.C.M. 1947. (History: Sec. 82A-1605, 66-1225 R.C.M. 1947; IMP, Sec. 66-1246 R.C.M. 1947; NEW, MAC Not. No. 40-3-62-1; Order MAC No. 40-3-62-2; Adp. 7/15/74; Eff. 8/4/74.)

40-3.62(6)-S6270 GRANT AND ISSUE LICENSE - PROFESSIONAL - PRACTICAL NURSE (1) The requirements for licensure of registered and practical nurses in Montana include the provisions that the applicant has written a State Board Test Pool Examination in a state of the United States or a Province of Canada. (History: Sec. 82A-1605, 66-1228 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-62-5; Order MAC Not. No. 40-3-62-6; Adp. 5/16/77; Eff. 6/4/77; PRIOR p. 40-238.)

40-3/62(6)-S6280 TEMPORARY PERMIT - RECENT GRADUATE - PROFESSIONAL (1) Graduates of schools of professional nursing may accept employment in Montana as professional nurses pending the results of the first licensing examination scheduled by the Board following such graduation, provided that:

(a) Such graduate submits application for the licensing examination on the required form together with the statutory fee of $35.00.

(b) Such application is approved for the licensing examination as shown by the official permit issued by the Board.

(c) A recent graduate candidate who has applied to write the licensing examination of another state, may accept employment as a professional nurse in Montana only under the following conditions:

(i) Has submitted an application and fee for Montana licensure by endorsment;

(ii) Possesses a recent graduate permit which will be issued following verification that the candidate has been scheduled for the appropriate licensing examination;

(iii) License will not be issued to the candidate until the Board has been notified that the candidate has passed the examination and a license issued. (History: Sec. 82A-1605, 66-1242; R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72.)

40-3.62(6)-S6290 TEMPORARY PERMIT - RECENT GRADUATE - PRACTICAL NURSE IS HEREBY REPEALED (History: Sec. 82A-1605, 66-1242 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; REP, MAC Not. No. 40-3-62-5; Order MAC No. 40-3-62-6; Adp. 5/16/77; Eff. 6/4/77; PRIOR p. 40-238.)

40-3.62(6)-S62000 PREPARATION OF LICENSES (1) The Executive Secretary and President of the Board shall sign the original licenses and the necessary printing be placed on the new forms. (History: Sec. 82A-1605, 66-1227-1231; R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72.)

40-3.62(6)-S62010 EXAMINATION - GENERAL (1) The Executive Secretary is authorized to sign the contracts with the National League for Nursing for licensing examination services provided by the NLN for professional and practical nurse candidates.

(2) A letter "F" on a transcript in a required course is not considered "successful completion" as required by law for admission to the licensing examination and that such candidate with an "F" on a transcript in a required course will not be allowed to sit for the licensing examination for either registered nurses or practical nurses.

(3) The NLN Evaluation and Guidance Service is requested to continue Montana annual report on a July 1 to July 1 basis.

(4) The NLN annual reports of:

(a) Mean, and if possible, standard deviation for each program of each school of Nursing; and

(b) Mean, and if possible, standard deviation for each test in each jurisdiction coded to protect individual identity shall be accepted.

(5) The administering of licensing examinations shall be in the Helena center only. (History: Sec. 82A-1605, 66-1228-1232 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72.)

40-3.62(6)-S62020 EXAMINATION (1) Licensing Examinations. Examinations shall be held at such times and places as the Board designates.

(2) Date for filing Application. Application, fee and all credentials must be submitted to the Executive Secretary not later than 30 days prior to the examination date.

(3) Subjects - Practical Nurse. The written examination is developed in two parts and tests the knowledge and judgment necessary for practical nursing.

(4) The fee for licensure by examination is $35.00 payable at the time the application is submitted. Five dollars of this fee is retained by the Board if the application is withdrawn prior to the examination.

(5) Minimum Passing Score. A standard score of 350 or above in each subject is required for licensure.

(6) Re-examination - Registered Nurse License. Effective January 1, 1970, a candidate who writes the State Board Test Pool Examination(s), the following procedure will apply:

(a) First failures may repeat the examination(s) and must do so within one year.

(b) Following a second failure, the candidate must show evidence of having been tutored in the appropriate subject area by a Montana State Board of Nursing approved individual before admission to the licensing examinations. This candidate must repeat the examination(s) within one year after the second failure.

(c) Following a third failure, the candidate must repeat the course(s) in a State Board approved professional school of nursing in the failed subject matter. The candidate must be admitted to the examination within one year after repeating the course(s).

(d) In the event the candidate should fail the examination a fourth time, she must repeat the entire State Board Test Pool Examination within one year following her last failure.

(e) Failure the fifth time requires the candidate to repeat an entire program of nursing studies in a State Board approved professional school of Nursing. Admission to the examination must be within one year following completion of the program of studies.

(f) Failure to successfully pass the licensing examination the sixth time, the candidate will not be admitted to further Registered Nurse licensing examinations in Montana.

(g) The fee for repeating the licensing examination for registered professional nurses will be:

to repeat one or two tests----$25.00

To repeat three or more tests-$30.00

(7) Re-examination - Practical Nurse License A candidate who writes the State Board Test Pool Examination for the first time and fails the examination, the following procedure will apply:

(a) First failures may repeat the examination and must do so within one year.

(b) Following a second failure, the candidate must show evidence of having been tutored by a Montana State Board of Nursing approved individual before admission to the licensing examination. This candidate must repeat the examination within one year after the second failure.

(c) Following a third failure, the candidate must show evidence of additional tutoring.

(d) Failure the fourth time requires the candidate to repeat an entire program of nursing studies in a State Board approved practical nursing school. Admission to the examination must be within one year following completion of the program of studies.

(e) Failure to successfully pass the licensing examintion on the fifth time, the candidate will not be admitted to further practical nursing examinations in Montana.

(f) The fee for repeating the licensing examination for practical nurses is $25.00. (History: Sec. 82A-1605, 66-1225; R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-62-5; Order MAC No. 40-3-62-6; Adp. 5/16/77; Eff. 6-4-77; PRIOR p. 50-238.)

40-3.62(6)-S62030 ENDORSEMENT - RECIPROCITY IS HEREBY REPEALED. (History: Sec. 82A-1605, 66-1225, R.C.M. 1947; Order MAC No. 40-1; Adp/ 12/31/72; Eff. 12/31/72; REP, MAC Not. No. 40-3-62-5; Order MAC No. 40-3-62-6; Adp. 5/16/77; Eff. 6/4/77; PRIOR p. 40-238.)

40.362(6)-S62035 LICENSING BY ENDORSEMENT, REGISTERED PROFESSIONAL AND LICENSED PRACTICAL NURSES - (1) Requirements:

(a) Completion of four years of high school or its equivalent.

(b) Graduation from an approved school of Nursing. (Professional for registered nurse licensure and Practical for practical nurse licensure.

(c) Holds a valid license issued by another state, territory or country.

(d) Foreign educated nurses will be required to write the Montana licensing examination unless she has written a State Board Test Pool Examination in another state of the United States or Canadian province.

(e) The application for licensure shall be made on the appropriate forms supplied by the Department and verified by appropriate measures.

(f) Candidates whose credentials cannot be verified as required shall be evaluated individually on the basis of supplemental preparation or other appropriate evidence of professional competency.

(2) Temporary Permit:

(a) The Executive Secretary is authorized to issue temporary permits according to Sec. 66-1228(3) and 66-1232(3). (History: NEW MAC Not. No. 40-3-62-5; Order MAC No. 40-3-62-6; Adp. 5/15/77; Eff. 6/4/77; PRIOR P. 40-238.)

40-3.62(6)-S62040 ENDORSEMENT - RECIPROCITY IS HEREBY REPEALED (History: Sec. 82A-1065, 66-1225, R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; REP, MAC Not. No. 40-3-62-5; Order MAC No. 40-3-62-6; Adp. 5/16/77; Eff. 6/4/77; PRIOR p. 40-238.)

40-3.62(6)-S62050 DUPLICATE OR LOST LICENSE - PROFESSIONAL NURSE (1) An original license will not be changed or replaced. The current renewal certificate issued by the Board which carries the license number should satisfy as proof of licensure. In the few cases where this does not suffice, the Board will provide a statement of licensure. (History: Sec. 82A-1605, 66-1228 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72.)

40-3.62(6)-S62060 RENEWALS (1) In November of each year the Board of Nursing shall mail an application for renewal of license to all persons currently licensed. The licensee must fill out the application and return it to the Board BEFORE January 1, together with the renewal fee of $10.00. Upon receiving the renewal application and fee, the Board shall issue a certificate of renewal for the current year beginning January 1, and expiring December 31.

(2) To place a license on active status, the licensee pays the renewal fee of $10.00 for the current year at the time that practice is resumed. (History: Sec. 82A-1605, 66-1236 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-62-5; Order MAC No. 40-3-62-6; Adp. 5/16/77; Eff. 6/4/77; PRIOR p. 40-246.)

40-3.62(6)-S62070 INACTIVE LIST - PROFESSIONAL - PRACTICAL NURSE (1) Inactive Status of License:

(a) Licensees who have not paid the renewal fee for the current year are automatically placed on INACTIVE STATUS on January 1 of each year and licenses are lapsed.

(b) A licensed nurse who practices nursing in Montana for compensation while her license is lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for in the Nursing Practice Act.

40-3.62(6)-S62075 EXEMPTIONS: DOMESTIC SERVANTS AND HOUSEKEEPERS (1) For purposes of Section 66-1242 R.C.M. 1947, the exemption from licensure for "domestic servants or persons primarily employed as housekeepers" shall also include foster parents, home managers or other surrogate parents. (History: Sec. 66-1225 R.C.M. 1947; IMP Sec. 66-1242 R.C.M. 1947; NEW MAC Not. No. 40-3-62-4; Order Mac No. 40-3-62-5; Adp. 4/14/77; Eff. 5/5/77.)

40-3.62(6)-S62080 APPENDIX NUMBER 1 (1) Appendix Number 1, Professional Nursing Administration, heretofore published in full as pages 40-248 through 40-250 of the Montana Administrative Code is hereby deleted from the Board's chapter and incorporated therein by this reference. Such appendix contains a general description of the organization duties and objectives of the Board's professional nursing administration functions. A copy of such appendix may be obtained from the office of the Board of Nursing, Lalonde Building, Helena, Montana. (History: Sec. 66-1225 R.C.M. 1947; Imp. Sec. 66-1225 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-62-3; Order MAC No. 40-3-62-4; Adp. 4/15/76; Eff. 5/6/76; PRIOR p. 40-247, 248, 249, 250.)

40-3.62(6)-S62090 APPENDIX NUMBER 2 (1) Appendix Number 2, Practical Nursing Administration, heretofore published in full as pages 40-251 through 40-253 of the Montana Administrative Code is hereby deleted from the Board's chapter and incorporated therein by this reference. Such appendix contains a general description of the organization duties and objectives of the Board's practical nursing administration functions. A copy of such appendix may be obtained from the office of the Board of Nursing, Lalonde Building, Helena, Montana. (History: Sec. 66-1225, R.C.M. 1947; IMP Sec. 66-1225, R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-62-3; Order MAC No. 40-3-62-4; Adp. 4/15/76; Eff. 5/6/76; PRIOR p. 40-247, 251, 252, 253.)

40-3.62(6)-S62100 APPENDIX NUMBER 3 (1) Appendix Number 3, Standards for Montana Schools of Professional Nursing, heretofore published in full as pages 40-254 through 40-267 of the Montana Administrative Code is hereby deleted from the Board's chapter and incorporated therein by this reference. Such appendix contains a general description of curriculum requirements, faculty requirements, and admission standards for students. Because of the length and minimal effects of these requirements, the Board finds it expedient to delete the full text from its rules. A copy of such appendix may be obtained from the office of the Board of Nursing, Lalonde Building, Helena, Montana. (History: Sec. 66-1225 R.C.M. 1947; IMP, SEc. 66-1225 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-62-3; Order MAC No. 40-3-62-4; Adp. 4/15/76; Eff. 5/6/76; PRIOR p. 40-247, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267.)

40-3.62(6)-S62110 APPENDIX NUMBER 4 (1) Appendix Number 4, Standards for Montana Schools of Practical Nursing, heretofore published in full as pages 40-268 through 40-278 of the Montana Administrative Code is hereby deleted from the Board's chapter and incorporated therein by this reference. Such appendix contains a general description of curriculum requirements, organization and administration requirements, faculty requirements and admission standards for students. Because of the length and minimal effects of these requirements, the Board finds it expedient to delete the full text from its rules. A copy of such appendix may be obtained from the office of the Board of Nursing, Lalonde Building, Helena, Montana. (History: Sec. 66-1225 R.C.M. 1947; IMP, Sec. 66-1225 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-62-3; Order MAC No. 40-3-62-4; Adp. 4/15/76; Eff. 5/6/76; PRIOR p. 40-247; 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278.)

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